

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ROME DIVISION**

EARL PARRIS, JR., *et al.*,

Plaintiffs,

**CITY OF SUMMERVILLE,
GEORGIA, Intervenor-Plaintiff,**

v.

3M COMPANY, *et al.*,

Defendants.

Civil Action No.: 4:21-cv-40-TWT

**DAIKIN AMERICA, INC.'S ANSWER TO
DEFENDANT RYAN DEJUAN JARRETT'S CROSSCLAIM**

Daikin America, Inc. ("DAI") files this Answer to Defendant Ryan Dejuan Jarrett's ("Jarrett") Crossclaim ("Crossclaim") contained in his Answer to Intervenor-Plaintiff the City of Summerville, Georgia's Complaint in Intervention (Doc. 153).

DAI denies any allegations as to DAI contained in the Crossclaim's unnumbered paragraph and further denies that Jarrett is entitled to any relief from DAI.

DEFENSES

1. The Crossclaim fails to state a claim upon which relief can be granted against DAI.

2. The Crossclaim for indemnity and contribution is not ripe.

3. The Crossclaim for indemnity is not a cognizable claim to the extent fault is apportioned.

4. The Crossclaim is barred, in whole or in part, by the doctrine of comparative fault, and to the extent that any other Defendant has settled or may in the future settle, DAI asserts its entitlement to an appropriate credit, setoff, or reduction of any judgment against it.

5. The Crossclaim for attorney's fees fails because there is no contractual, statutory, or other basis for an award of attorney's fees in this lawsuit against DAI. DAI further did not act in a manner that gives rise to a claim for attorneys' fees or expenses in this lawsuit.

6. Any recovery may be barred or reduced by the negligence, fault, or carelessness of others for whose conduct DAI is not responsible. Any judgment rendered against DAI in this action, under all theories of liability plead, must be limited to the fault, if any, attributable to DAI. DAI is entitled to apportion its fault, if any, to the fault of any and all other persons or entities who are or could be

responsible for any of Plaintiffs' injuries or damages, regardless of whether such persons or entities are or could have been parties to this action, and regardless of whether Plaintiff was negligent. *See, e.g.*, Ga. Code Ann. § 51-12-33.

7. DAI may be entitled to a set-off in the event Plaintiffs or Crossclaim Plaintiff Jarrett received or receive payment from any source relating to the facts and circumstances at issue in this lawsuit.

8. DAI hereby adopts and incorporates the affirmative defenses set forth by its co-defendants in this case.

9. DAI adopts and incorporates by reference all defenses DAI asserted in its Answer to the First Amended Complaint (Doc. 140) and its Answer to the Intervenor Complaint (Doc. 141).

10. DAI reserves the right to assert additional defenses based upon information learned during the course of this litigation and/or through discovery in this action.

[Signature on Following Page]

Dated: May 12, 2022

/s/ William E. Underwood

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**Counsel for Defendant Daikin America,
Inc.**

CERTIFICATE UNDER L.R. 7.1.D.

Pursuant to Northern District of Georgia Civil Local Rule 7.1.D., the undersigned counsel certifies that the foregoing filing is a computer document and was prepared in Times New Roman 14-point font, as mandated in Local Rule 5.1.C.

/s/ William E. Underwood

William E. Underwood, Ga. Bar No. 401805

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 12, 2022, I electronically filed the foregoing DAIKIN AMERICA, INC.'S ANSWER TO DEFENDANT RYAN DEJUAN JARRETT'S CROSSCLAIM with the Clerk of Court by using the CM/ECF system, which has notified all counsel of record.

/s/ William E. Underwood

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